

REMARKS

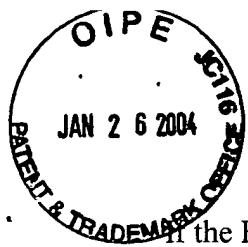
Claims 1, 2 and 5-20 are pending. Claims 1, 7, 15 and 20 have been amended in this response. Claims 2 and 8 have been canceled in this response. New claims 21-23 have been added in this response

Claims 1, 2 and 5-20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Krubicza (EP 878,536), in view of Spack (GB 925,305) and Matsuki (JP 11-169160), further in view of Kanai (JP 5-76340), Mikami et al. (JP 4-62365) and Richter (DE 352160), and further in view of Tajima (JP 61-227772), Ortiz (Encyclopedia of Herbs, Spices and Flavorings, DK, 1992), Meija Seika Kaisha (JP 4-2 62767), Juhachisakari Shuzo (JP 1-317380), Kikunoka Shuzo (JP 4-40882), Hashimoto et al. (JP 2000-309310) and Okura Shuzo (JP 58-170471).

Claim 1, as amended, now requires that the SAKE be brewed from rice of the same variety as that of the ear of rice to aid in the recognition of the quality of the SAKE based on the ear of rice and to aid in distinguishing the SAKE from other qualities of SAKE based on the ear of rice.

Claims 7 and 20 have been amended in a manner to include similar limitations. These limitations helps a customer distinguish the SAKE from other qualities of SAKE and helps instill the customer with confidence in the quality SAKE. None of the prior art references discloses such a limitation and therefore, claims 1, 7, and 20 as amended are now believed to be allowable. Claims depending from claims 1, 7 and 20 are now believed to be in condition for allowance by virtue of their respective dependencies.

New claim 21 is directed to a method that requires that the ear of rice inserted in the translucent container is an ear of rice from which the SAKE was brewed. By using an ear of rice obtained from actually used to make the SAKE, customers can use the ear of rice to recognize of the quality of the SAKE and customer confidence in the quality of the SAKE can be instilled. None of the cited references disclose such a combination of limitations set forth in claim 21, therefore, claim 21 is believed to be allowable over the cited references.



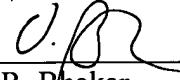
PATENT
Appl. Ser. No. 09/887,916
Attorney Docket Number: 42826.00008

If the Examiner has any questions or needs any additional information, the Examiner is invited to telephone the undersigned attorney at (650) 843-3215.

In addition, if for any reason an insufficient fee has been paid, the Examiner is hereby authorized to charge the insufficiency to Deposit Account No. **05-0150**.

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Respectfully submitted,

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